



Section #

PATENT APPLICATION
Attorney's Do. No. 8514-26 (ST-A22)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

NED HOFFMAN

Serial No. 09/441,107

Filed: November 16, 1999

For: SYSTEM AND METHOD FOR TOKENLESS
BIOMETRIC ELECTRONIC SCRIP

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:
☐ COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON D.C. 20231
☒ ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231
☐ ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON VA 22202-3513
ON: 26 June 2000

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Responsive to the Notice to File Missing Parts dated April 28, 2000, (copy enclosed),
enclosed are copies of the following:

1. Notice to File Missing Parts of Application dated December 15, 1999;
2. Response with Express Mail Certificate No. EK525105898US to Notice to File Missing Parts dated April 17, 2000 with accompanying Petition for Extension of Time;
3. Express Mailing Label No. EK525105898US;
4. Statement Claiming Small Entity Status dated November 12, 1999;
5. New Application Transmittal Form with Express Mailing Certificate EJ259439089US, dated November 16, 1999, showing submission of small entity

form and authorization to charge Deposit Account No. 19-2551 for any fees or deficiencies;

6. Power of Attorney.

REMARKS

The undersigned submits a Power of Attorney to act on behalf of applicant.

In response to the Notice to File Missing Parts dated April 28, 2000, it is believed that the above-referenced documents evidence submission of sufficient documentation and fees to satisfy the Notice to File Missing Parts.

If any questions remain or this response is deficient in any way, please call the undersigned.

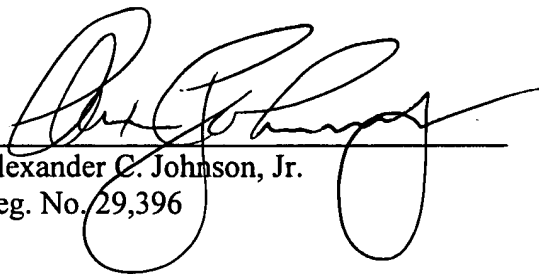
If there is any fee deficiency or overpayment please charge or credit Deposit Account number 13-1703.

Customer No. 20575

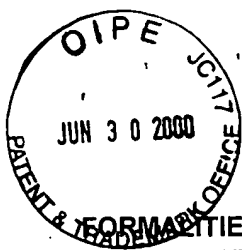
Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

By


Alexander C. Johnson, Jr.
Reg. No. 29,396

1030 S.W. Morrison Street
Portland, Oregon 97205
Telephone: (503) 222-3613



FORMALITIES LETTER



OC00000005083748

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/441,107	11/16/1999	NED HOFFMAN	STA-22

SMARTTOUCH INC
ALI KAMAREI ESQ
727 ALLSTON WAY
BERKELEY, CA 94710

Date Mailed: 04/28/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 380 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$216.
 - \$216 for 24 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 661.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03441107

131703

131703

131703

131703

131703

131703

131703

131703

131703

131703



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/441,107	11/16/99	HOFFMAN	N STA-22

SMARTTOUCH INC
ALI KAMAREI ESO
727 ALLSTON WAY
BERKELEY CA 94710

0222/1215

BEST AVAILABLE COPY

NOT ASSIGNED

2761

DATE MAILED:

12/15/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☐ non-small entity is \$ 65.00.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ 300 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ 27.50 for 9 dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

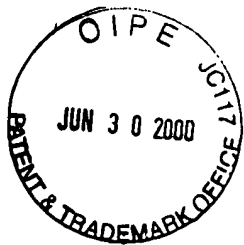
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202



EK525105898US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of:</p> <p>HOFFMAN, ET AL.</p> <p>Serial No.: 09/441,107</p> <p>Filed: November 16, 1999</p> <p>For: <u>SYSTEM AND METHOD FOR</u> <u>TOKENLESS BIOMETRIC</u> <u>ELECTRONIC SCRIP</u></p>	<p>Group Art Unit: 2761</p> <p>Examiner: Not Assigned</p>
---	---

Response To Notice to File Missing Parts

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Submitted with this response are the following;

- a. PTO-1533, Part 2,
- b. A signed Verified Statement claiming small entity that was filed with this patent application on November 1, 1999.

Having received a Notice to File Missing Parts, dated December 15, 1999.

In the Notice, the Patent Office contends that the following additional fees are due for the filing of the patent application, as the Applicant is a non-small entity;

- a. \$380 to complete the basic filing fee,
- b. \$216 for 9 dependent claims over 20.

At the time of the filing of this application, Applicant submitted a signed Verified Statement Claiming Small Entity. The statement was signed by Mr. Ned Hoffman.


REMARKS

As the Small Entity statement was properly submitted to the Patent Office at the time of filing of the application, the applicant's fee calculation was correct and no additional fee is due. Additionally, if such fee was due, the Transmittal Letter submitted with the filing of this application, Section 9, authorized the Commissioner to charge any additional fees to Applicant's deposit account. Therefore, no Notice to File Missing Parts should have issued for this application.

Applicant, therefore, requests that the Notice to File Missing Parts be withdrawn and that neither any additional fees be due for the filing of this application, nor any extension of time fee be due for responding to this File Missing Parts.

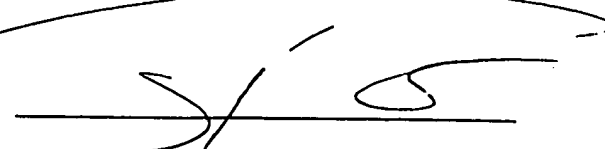
Date: Apr. 17, 2000

Respectfully Submitted,


Ali Kamarei
Reg. No. 37,000

Certificate of Mailing under Sec. 1.10

I hereby certify that this Response to Notice to File Missing Parts and the accompanying Petition for Extension of Time, is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231, in accordance with 37 CFR 1.8.


Ali Kamarei
Reg No. 37,000

Date: April 17, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

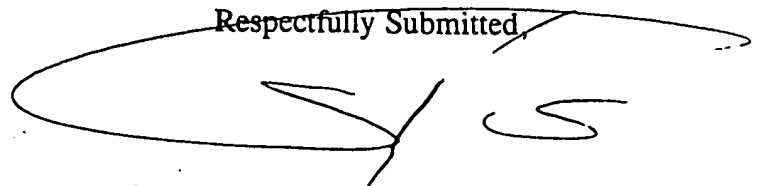
In re Application of: HOFFMAN, at al. Serial No.: 09/441,107 Filed: November 16, 1999 For: <u>SYSTEM AND METHOD FOR</u> <u>TOKENLESS BIOMETRIC</u> <u>ELECTRONIC SCRIP</u>	Group Art Unit: 2761 Examiner: Not Assigned
--	--

Petition For Extension of Time

As a Notice To File Missing Parts should not have issued for this application, Applicant should not be required to pay an extension of time fee to respond to it. In the event that the Patent Office determines otherwise, Applicant hereby petitions for as many months extensions of time to properly respond to the issued Notice to File Missing Parts. For a two-month extension of time, the due date falls on Saturday, April 15, 2000.

Therefore, Applicant's response filed on April 17, 2000, which is the next business day after should be considered as within a two-month extension. The Commissioner is hereby authorized to charge payment of any fees due in connection with this communication to Deposit Account No. 19-2551. A duplicate copy of this letter is enclosed.

Respectfully Submitted,



Ali Kamarei
Reg. No. 37,000

Date: April 17, 2000



POST OFFICE TO ADDRESSEE EK525105898US

ORIGIN (POSTAL USE ONLY)		Flat Rate Envelope	
PO ZIP Code	Day of Delivery	Next	Second
173010		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date In	Postage		
4-17-00	\$ 7.75		
Mo. Day Year	12 Noon	3 PM	
4 17 00	<input type="checkbox"/>	<input type="checkbox"/>	
Military	Return Receipt Fee		
<input type="checkbox"/>			
2nd Day	3rd Day		
<input type="checkbox"/>	<input type="checkbox"/>		
Int'l Alpha Country Code	COD Fee	Insurance Fee	
Weight	lbs. ozs.	Total Postage & Fees	
8.03		\$ 7.75	
No Delivery	Acceptance Clerk Initials		
<input type="checkbox"/>			
Weekend	Holiday		
<input type="checkbox"/>	<input type="checkbox"/>		

SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND
INSURANCE COVERAGE LIMITS

Customer Copy

CUSTOMER USE ONLY	
METHOD OF PAYMENT:	
Express Mail Corporate Acct. No.	
Federal Agency Acct. No. or Postal Service Acct. No.	
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/>	
WAIVER OF SIGNATURE (Domestic Only) Additional mail insurance is void if waiver of signature is requested. If delivery is to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
Customer Signature	

FROM: (PLEASE PRINT)	PHONE () () ()
TO: (PLEASE PRINT)	
Commissioner of Patents and Trademarks Washington DC 20231	



FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com



POST OFFICE TO ADDRESSEE

EK525105898US

ORIGIN (POSTAL USE ONLY)		
ZIP Code	Day of Delivery Next Second	Flat Rate Envelope
Postage	Mo. Day Year 12 Noon 3 PM	Postage
Return Receipt Fee	Military	Return Receipt Fee
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
Delivery Weekend Holiday	Acceptance Clerk Initials	Total Postage & Fees

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	Employee Signature
Mo. Day	AM PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	AM PM	
Delivery Date	Time	Employee Signature
Mo. Day	AM PM	
Signature of Addressee or Agent		
X		
Name - Please Print		
X		

CUSTOMER USE ONLY	
METHOD OF PAYMENT:	
Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
Federal Agency Acct. No. or Postal Service Acct. No.	
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	
Customer Signature	

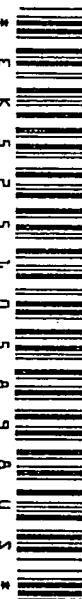
FROM: (PLEASE PRINT)	PHONE ()
INTHOUSE 280 Colorado Ave. Palo Alto, CA. 94301 STA 22	

TO: (PLEASE PRINT)	PHONE ()
Commissioner of Patents and Trademarks Washington DC 20231	

PRESS HARD You are making 3 copies.	FOR PICKUP OR TRACKING CALL 1-800-222-1811	www.usps.com	EMS
---	---	---------------------	------------

Label 11-B September 1999

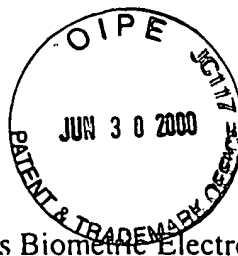
Mailing Label



Applicant or Patentee: Hoffman, et al.
Serial or Patent No.: N/A
Filed or Issued: _____

For: System and Method For Tokenless Biometric Electronic Scrip

Attorney's
Docket No.: ST-A22



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS [37 CFR 1.9(f)] - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: SMARTTOUCH, INC.

ADDRESS OF CONCERN: 727 Allston Way, Berkeley, California 94710

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled System and Method For Tokenless Biometric Electronic Scrip inventor(s) Hoffman, et al. described in

☒ the specification filed herewith.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time or paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Ned Hoffman

TITLE OF PERSON OTHER THAN OWNER: Vice President

ADDRESS OF PERSON SIGNING: SMARTTOUCH, Inc., 727 Allston Way, Berkeley, California 94710

SIGNATURE

DATE

11/12/99



CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this New Application and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date 11-16-99, in an envelope bearing "Express Mail Post Office To Addressee" Mailing Label Number EJ259439089US addressed to: Box Patent Application, Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Ali Kamarei
(Name of person mailing paper)

[Signature]
Signature

SMARTTOUCH, Inc.
727 Allston Way
Berkeley, California 94710
510-843-3034

EJ259439089US

Honorable Commissioner of Patents
and Trademarks
BOX PATENT APPLICATION
Washington, D.C. 20231

Attorney's Docket No. STA-22

NEW APPLICATION TRANSMITTAL

Sir:

Transmitted herewith for filing is the patent application of Inventor(s): Ned Hoffman

Title: System and Method For Tokenless Biometric Electronic Scrip
Enclosed are:

1. The papers required for a filing date under CFR §1.53(b):

[X] 51 Pages of specification (including 44 claim(s)); 5 Sheets of drawings.
[] formal
[X] informal

2. [X] Declaration or Oath

3. [X] Power of Attorney

4. [X] Assignment + cover sheet

5. [X] Fee Calculation
[] Amendment changing number of claims or deleting multiple dependencies is enclosed.

CLAIMS AS FILED

	Filed	Extra	Rate	Basic Fee \$760
Total Claims	44-20	22	\$ 18.	\$ 396
Independent Claims	3-3	0	\$ 78.	\$ 0
Multiple Claims	-	-	\$ 270.	\$ 0

Filing Fee Calculation

\$ 1,156.

6. ☒ Small Entity Statement - verified statement enclosed.

50% Filing Fee Reduction (if applicable) \$ 578.

7. ☒ Other Fees

☒ Recording Assignment [\$40.00] \$ 40.00

☐ Other fees

Specify _____ \$ _

Total Fees Enclosed \$ 618.

8. Payment of Fees

☐ Check(s) in the amount of \$ __, is enclosed.

☒ Charge Account No. 19-2551 in the amount of \$ 618. **A duplicate of this transmittal is attached.**

9. ☒ The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 19-2551. **A duplicate sheet is attached.**

10. ☐ Information Disclosure Statement

11. ☒ Return Receipt Postcard

12. ☒ Other: Specify Certification Under 37 CFR 3.73(B)

By: _____

Name: Ali Kamarei

Registration No. 37,000

Dated: _____

11-16-99